

## **REMARKS**

Claims 1-11 are pending in the application. In the office action dated March 4, 2005, the Examiner rejected claims 1-3 and 7-11 and objected to claims 4-6 as being dependent upon a rejected base claim. As such, Applicant has amended claims 1-3 and 7 and canceled claims 5 and 10. Due to the cancellation of claims 5 and 10, claims 6 and 11 have been amended to maintain proper dependencies. The Examiner's comments and rejections are addressed in the order they were presented in the Office Action.

## **Drawings**

The Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference characters "17" (Fig. 1) and "3" (Fig. 2) have both been used to designate the detecting rod. As such, Applicant has amended Fig. 1 and Fig. 2 and submit them as replacement sheets attached herein. In amended Figs. 1 and 2, reference characters "17" and "3" now point definitely at the detecting rod and detecting link, respectively.

Furthermore, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a), as failing to show every feature of the invention specified in the claims. More specifically, the Examiner indicated that the one end of a releasing cable further couples the slider must be shown or the feature(s) canceled from the claim(s). Accordingly, amended Fig.1 shows the one end of a releasing cable further couples the slider by adding dashed lines between the slider and the releasing cable. This particular amendment does not constitute new matter because Paragraph [0021] provides sufficient description to include this.

In light of the above, Applicant respectfully requests withdrawal of these objections.

## **The Specification**

The Examiner objected to an informality in Paragraph [0024], in which "id" should be read as "is." As such, Applicant has amended Paragraph [0024] by changing "id" to "is" and respectfully requests withdrawal of the objection.

### **The Claim Objections**

The Examiner objected to claims 1-3 due to informalities. Thus, Applicant has amended claims 1-3 according to the Examiner's suggestions. Applicant, therefore, respectfully requests withdrawal of these objections.

### **The 35 U.S.C. § 102 Rejection**

The Examiner rejected claims 7-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0058819 A1 ("Itoh"). However, Applicant respectfully traverses this rejection in light of the amendments.

Applicant has amended claim 7 to further recite "a slider configured and dimensioned to lock said headrest in a pivoted position following said headrest becoming pivoted." Support for this amendment is found in the specification. For example, this new limitation was taken from the limitation previously found in canceled claim 10. In addition, Paragraphs [0021] to [0022] provides further support of this claim limitation through its description of the slider and its interactions with other headrest components.

As the Examiner has noted, Itoh discloses a headrest apparatus that includes a vehicle seat (Fig. 1), a headrest pivotally coupled to the vehicle seat (Fig. 7), a detecting link that comprises a head rest frame and a pressure receiving plate (Fig. 1) in which the alleged detecting link is coupled to the headrest and configured and dimensioned to pivot the headrest with respect to the vehicle seat in a response to a vehicle accident. Itoh does not disclose the use of a slider that is configured and dimensioned to lock the headrest in a pivoted position after the headrest becomes pivoted.

Therefore, Itoh does not anticipate claim 7. Because claim 8 depends on claim 7, Itoh also does not anticipate claim 8. As such, Applicant respectfully requests that the rejection be withdrawn.

### **The 35 U.S.C. § 103 Rejections**

The Examiner rejected claims 1-3, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of U.S. Patent No. 5,934,750 ("Fohl"). Furthermore, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Itoh in view of Fohl and further in view of U.S. Patent No. 5,842,738 ("Knoll"). However, Applicant respectfully traverses these rejections separately below, in light of the amendments.

#### Itoh in View of Fohl

Applicant has amended claim 1 to further recite a stopper means comprising “a slider of which a sliding surface contacts with said detecting link to one pivoting direction of said detecting link being pivoted by the occupant’s back, and which prevents said detecting link from pivoting to a direction opposite a pivoting direction; a linear guide fixed to said seat frame for guiding a linear movement of said slider to a direction vertical to the pivoting range plane of said detecting link; and a slider spring for resiliently supporting said slider.” Support for this new limitation can be found in canceled claim 5.

On the other hand, neither Itoh nor Fohl teaches such a stopper means, as evidenced by Examiner’s allowance of claims 4-6. As such, Itoh and Fohl, alone or in combination, do not teach each and every limitation of claim 1. Because claims 2 and 3 depend on claim 1, Itoh and Fohl, alone or in combination, also do not teach each and every limitation of these claims.

With regard to claims 9 and 10, they depend on claim 7. As described above, Applicant has amended claim 7 to further recite “a slider configured and dimensioned to lock said headrest in a pivoted position following said headrest becoming pivoted,” in which Itoh does not teach this limitation. Furthermore, Fohl does not teach such a slider either because Fohl’s alleged slider does not lock the headrest in a pivoted position following the headrest becoming pivoted but rather urges engagement of the ratchet (col. 4, lines 43-44). Thus, Itoh and Fohl, alone or in combination, do not teach each and every limitation of claim 7 or its dependents, claims 9 and 10.

Based on the above, Itoh in view of Fohl does not render claims 1-3, 9 and 10 obvious. Applicant, therefore, respectfully requests that the rejection be withdrawn.

#### Itoh in View of Fohl Further in View of Knoll

Claim 11 depends on claim 7. As noted earlier, Itoh and Fohl, alone or in combination, do not teach each and every limitation of claim 7. Moreover, Knoll does not remedy the deficiencies of Itoh and Fohl, in terms of the slider locking the headrest in a pivoted position following the headrest becoming pivoted. Knoll only teaches a headrest that moves after becoming pivoted and locks up to prevent pivoting counterclockwise upon impact of the seat occupant’s head, which is not what claim 7 teaches. As such, Itoh in view

of Fohl further in view of Knoll does not teach and every limitation of claim 7 or its dependent, claim 11. Therefore, Applicant respectfully requests withdrawal of this rejection.

**Allowable Subject Matter**

The Examiner objected to claims 4-6 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has canceled claim 5 and implemented its limitations to independent claim 1, in which claims 2-4 and 6 depend on. Applicant believes this amendment makes claims 1-4 and 6 allowable. Therefore, Applicant respectfully requests withdrawal of this objection.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, Applicant respectfully asks the Examiner to contact the undersigned at 415-442-1106 in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0118-US).

Respectfully submitted,

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